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SENATE BILL 605

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO PUBLIC NUISANCES; IMPOSING A CIVIL FINE FOR  
EXCESSIVE NOISE; ENACTING A NEW SECTION OF CHAPTER 30, ARTICLE  
8 NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 30, Article 8 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] PUBLIC NUISANCE-- EXCESSIVE NOISE-- CIVIL  
FINE. --

A. A person who plays or permits to be played a  
radio, tape recorder, cassette player, compact disc player,  
television or any other device for reproducing sound, if it is  
located in or on residential property, whether a unit of a  
multiple-family dwelling or a single-family dwelling, shall  
control the volume of the amplified sound so that it is not

underscored material = new  
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1 audible in an adjacent dwelling.

2 B. A law enforcement officer does not have to hear  
3 the excessive noise himself in order to issue a notice of  
4 warning or a citation pursuant to this section.

5 C. Upon a violation of the provisions of Subsection  
6 A of this section, a law enforcement officer shall:

7 (1) for a first violation, issue to a resident  
8 of the dwelling a notice of warning that states that excessive  
9 noise is a public nuisance and that subsequent violations will  
10 result in a civil fine;

11 (2) for a second violation, issue a citation  
12 for a civil fine in the amount of one hundred dollars (\$100);  
13 and

14 (3) for a third or subsequent violation, issue  
15 a citation for a civil fine in the amount of two hundred fifty  
16 dollars (\$250)."

17 Section 2. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is July 1, 2003.

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